



# **PLANNING COMMISSION AGENDA REPORT**

**VII.1**

MEETING DATE: OCTOBER 27, 2008

ITEM NUMBER

**SUBJECT: GENERAL PLAN AMENDMENT GP-08-05 AMENDING THE LAND USE ELEMENT  
RELATED TO HELIPORTS/HELIPADS IN THE 2000 GENERAL PLAN**

**DATE: OCTOBER 13, 2008**

**FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, AICP, PRINCIPAL PLANNER  
(714) 754-5278**

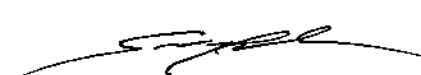
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## **DESCRIPTION**

**General Plan Amendment GP-08-05** is a City-initiated amendment to the Land Use Element of the 2000 General Plan. The proposed amendment incorporates new discussion related to heliopads/heliports in the Land Use Element, as recommended by the Airport Land Use Commission to ensure consistency with the *John Wayne Airport Environs Land Use Plan (AELUP) for Heliports*.

## **RECOMMENDATION**

Recommend City Council approval of General Plan Amendment GP-08-05 related to heliports/helipads in the Land Use Element of the 2000 General Plan, by adoption of the attached resolution.

  
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ERIC CHAN  
Planning Intern

  
\_\_\_\_\_  
CLAIRE L. FLYNN, AICP  
Principal Planner

  
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KIMBERLY BRANDT, AICP  
Asst. Dev. Svcs. Director

## **BACKGROUND**

### ***Airport Environs Land Use Plan for Heliports***

The *John Wayne Airport Environs Land Use Plan (AELUP) for Heliports* is a planning document that establishes regulations and restrictions for the siting of heliports/helipads. The purpose of the AELUP for Heliports is to protect the public from the adverse effects of aircraft noise by ensuring that heliports/helipads are sited in areas of compatible land use.

A heliport is a small airport suitable only for use by helicopters, typically containing one or more helipads. A helipad is a designated area, including any buildings or facilities, intended to be used for the landing and takeoff of helicopters. Helipads may or may not be located within heliports. Refueling and overnight maintenance of helicopters are permitted on heliports but prohibited on helipads.

### ***Airport Land Use Commission***

The Airport Land Use Commission (ALUC) has the responsibility for adopting land use restrictions in the vicinity of operating airfields. The ALUC established land use restrictions for John Wayne Airport with the 2002 John Wayne Airport AELUP. State law requires the ALUC to determine whether any proposed land use is consistent with its regulations and restrictions.

The current members of the ALUC are:

Gerald Bresnahan, Chairman  
 Rod Propst, Vice-Chairman  
 Herman F. Beverburg  
 Jon Dumitru  
 Thomas F. O'Malley, Jr.  
 Jim Righeimer  
 Don Webb

## **ANALYSIS**

### ***2008 Amendment to the AELUP for Heliports***

In a letter from the ALUC dated July 3, 2008, the City was informed of a June 2008 amendment to the AELUP for Heliports (Attachment 2). Pursuant to California Government Code Section 65302.3, the City's General Plan is required to be consistent with the AELUP within 180 days of an AELUP Amendment.

The ALUC suggested the following language to be included in the General Plan to promote consistency with the AELUP for Heliports:

- "The City will ensure that each applicant, seeking a Conditional Use Permit or similar approval for the construction or operation of a heliport or helistop, complies fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by the Federal Aviation Administration (FAA), by the Airport Land Use Commission for Orange County (ALUC) and by Caltrans/Division of Aeronautics. This requirement shall be in addition to all other City development requirements."

The ALUC also advises that the General Plan should reference building height restrictions imposed by the FAA through the inclusion of the following suggested language:

- "The City will ensure that development proposals including the construction or alteration of a structure more than 200 feet above ground level, reference North American Vertical Datum 1988 (NAVD88), must fully comply with procedures provided by Federal and State law, including with the referral requirements of the ALUC, and filing a Notice of Landing Area Proposal (Form 7480-I). This requirement shall be in addition to all other City development requirements."

These changes are proposed in Exhibit "A" of the Planning Commission resolution (Attachment 1).

### ***Costa Mesa as a Consistent Agency***

This amendment to the 2000 General Plan will include the ALUC suggested text and thereby ensure the City's status as a consistent agency. This "consistency" status indicates that the City's General Plan's goals, objectives, and policies with regard to land use planning in the vicinity of the John Wayne Airport are consistent with the AELUP.

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental processing procedures. The proposed action is an "agency action" subject to a statutory exemption from CEQA because it implements a state regulation (Public Resources Code 21080(b)(15)).

### **ALTERNATIVES CONSIDERED**

Planning Commission may make the following recommendations to City Council:

1. Approve GP-08-05, as recommended by staff. This action reflects textual changes to the Land Use Element, as suggested by the Airport Land Use Commission for a finding of consistency with the AELUP for Heliports.
2. Approve GP-08-05, with any modifications. Planning Commission may further modify the proposed amended language. The ALUC may find that any significant departures from their suggested language would be inconsistent with the AELUP.

Denial of General Plan Amendment GP-08-05 is not listed as a viable alternative because this action would be inconsistent with California Government Code Section 65302.3 which requires that general plans be consistent with the AELUP.

### **CONCLUSION**

The AELUP for Heliports was amended by the ALUC on June 19, 2008. As required per State law, the City's General Plan must be consistent with the AELUP. The proposed amended language to the Land Use Element of the 2000 General Plan would satisfy this requirement and maintain the City's status as a consistent agency.

Attachments: 1 Exhibit of Helipads in Costa Mesa  
2 Planning Commission Resolution  
Exhibit "A" – General Plan Land Use Text  
3 July 3, 2008 ALUC Letter

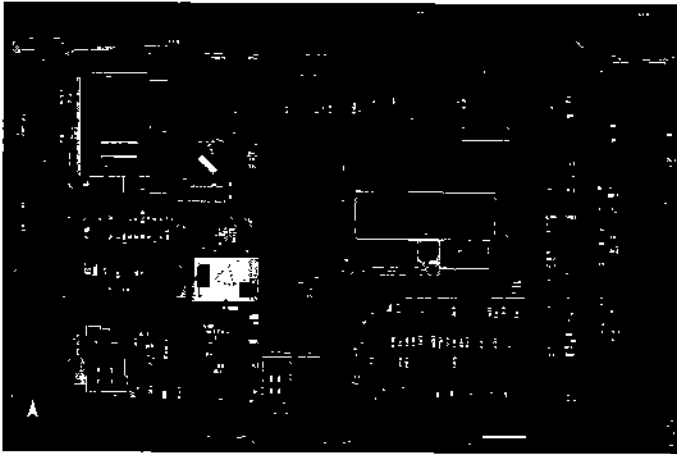
Distribution: Deputy City Manager- Dev. Svs. Director  
Assistant City Attorney  
City Engineer  
Staff (4)  
File (2)

File: 102708GP0805	Date: 101608	Time: 8:45 a.m.
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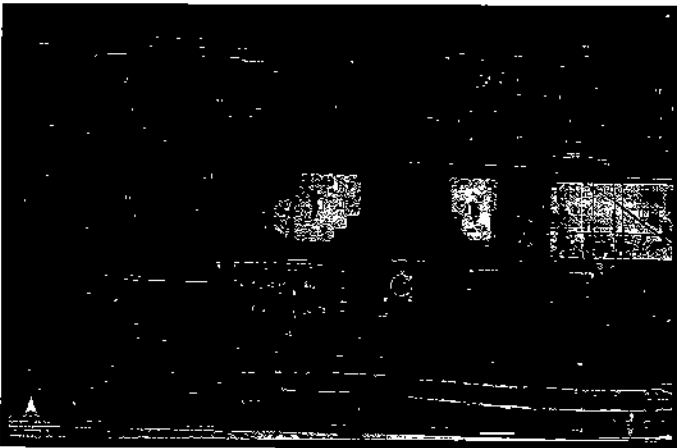
# ATTACHMENT 1

## Exhibit of Helipads in Costa Mesa

99 Fair Drive – Costa Mesa Police Department



555 Anton Boulevard – South Coast Metro Center



1375 Sunflower Avenue – Los Angeles Times



# ATTACHMENT 2

## RESOLUTION NO. PC-08-\_\_\_\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING COUNCIL ADOPTION OF GENERAL PLAN AMENDMENT GP-08-05 TO AMEND THE LAND USE ELEMENT RELATED TO HELIPORTS/HELIPADS OF THE 2000 GENERAL PLAN**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DOES HEREBY RESOLVES  
AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002. The General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of Costa Mesa. By its very nature, the General Plan needs to be updated and refined to account for current and future community needs;

WHEREAS, The *John Wayne Airport Environs Land Use Plan (AELUP) for Heliports* is a planning document that establishes regulations and restrictions for the siting of heliports/helipads;

WHEREAS, the Airport Land Use Commission (ALUC) has the responsibility for adopting land use restrictions in the vicinity of John Wayne Airport and determining a General Plan's consistency with the AELUP;

WHEREAS, the Airport Land Use Commission of Orange County (ALUC) amended the Airport Environs Land Use Plan (AELUP) for Heliports on June 19, 2008;

WHEREAS, California Government Code Section 65302.3 requires that general plans be consistent with the AELUP, and further requires that such local plans be made consistent with the AELUP within 180 days of an AELUP Amendment;

WHEREAS, to reflect the amendment to the AELUP for Heliports, the City initiated General Plan Amendment GP-08-05, proposes to amend the City of Costa Mesa's General Plan Land Use Element to incorporate additional discussion regarding heliports/helipads, as recommended by the ALUC to ensure consistency;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and was determined to be exempt pursuant to Section 21080(b)(15) of the Public Resources Code;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 27, 2008 with all persons having been given the opportunity to be heard both for and against the proposed project;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission **HEREBY RECOMMENDS THAT CITY COUNCIL ADOPT** General Plan Amendment GP-08-05, amending the Land Use Element of the 2000 General Plan as set forth in Exhibit "A", which is attached to this resolution.

**PASSED AND ADOPTED this 27th day of October, 2008.**

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DONN HALL, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA     )  
  )ss  
COUNTY OF ORANGE     )

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 27, 2008, by the following votes:

AYES:           COMMISSIONERS:

NOES:           COMMISSIONERS:

ABSENT:        COMMISSIONERS:

ABSTAIN:       COMMISSIONERS:

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Secretary, Costa Mesa  
Planning Commission



## Exhibit "A"

### Costa Mesa 2000 General Plan Amended Land Use Element

intense uses to the existing land use mix as the availability of developable land decreases and property values increase. This will create an overall increase in population and employment and all of the associated impacts of traffic congestion, noise, public safety, etc.

Residential infill projects in the way of small lot subdivisions could have negative impacts on established smaller scale neighborhoods. The design quality of such subdivisions is a key issue to be addressed during the design review process. The preservation of stable, quiet, and homogeneous neighborhoods is a prime concern of this 2000 General Plan.

One area that is experiencing a disproportionate amount of land use conflict is "Westside" Costa Mesa. The Westside was among the earliest areas in the City to develop and is characterized by a considerable diversity of people, land uses, job opportunities, and housing choices.

In an effort to address issues relating to economic redevelopment, deterioration of the 19<sup>th</sup> Street corridor, incompatible land uses (particularly in the area south of 19<sup>th</sup> Street), lack of code enforcement, deteriorating infrastructure, and blighted appearance of the streetscapes, the City Council commissioned the "Westside Specific Plan". Although not adopted, the plan will be used as a resource document for future planning and improvement work efforts in the area.

## **NOISE**

The Noise Element defines noise as unwanted sound. Although this definition could encompass a wide spectrum of sound types, the most common noise sources in Costa Mesa are traffic and aircraft. Thus, existing and future noise levels have been examined and the Noise Element provides information on community noise impacts and appropriate mitigation measures.

## **AIRPORT CONSIDERATIONS**

Both the Federal Aviation Administration (FAA) and the Airport Land Use Commission for Orange County have concern for the safety of air navigation around John Wayne Airport. Under Part 77 of the Federal Aviation Regulations (FAR), the FAA requires notice of proposed construction in excess of certain heights, which may affect the safety of aircraft operations. The authority of the FAA in these matters extends only as far as issuing a notice of hazard to air navigation; the FAA does not have jurisdiction to prohibit construction. The issuance of a hazard notice, however, may adversely affect the ability of a developer to obtain financing and insurance.

The FAA standard that is of most concern in Costa Mesa is the horizontal surface for John Wayne Airport. This surface is 203.68 feet above mean sea level and extends nearly two miles from the airport.

The South Coast Plaza Town Center Master Plan (the area east of Bristol Street and north of the I-405) was approved subject to the condition that building height be limited to that specified by FAR Part 77 unless evidence is presented that the structure will not pose a hazard to air navigation nor interfere with instrument guidance systems. Evidence may be in the form of an FAA determination of no hazard.

A number of Town Center structures have received City approval although they encroach beyond the established horizontal surface elevation. In all cases obstruction lighting was required, and in some cases minor adjustments to seldom-used flight patterns were necessitated, but the safety of aircraft operations in the airport vicinity has not been compromised.

The horizontal surface established by the FAA places restrictions on future development proposals similar in scale to the Town Center buildings. These developments will also be required to provide mitigation for potential hazards to air safety.

The California Public Utilities Code provides for creation of countywide commissions to work towards achieving compatible land uses in the vicinity of airports. Commissions are required to formulate comprehensive land use plans, which may include acceptable uses, height restrictions, and other building standards, such as noise insulation. The Airport Land Use Commission for Orange County (ALUC) has established a planning area surrounding John Wayne Airport which sets forth standards for acceptable land uses and provides for review of development plans for properties within its planning area.

The Airport Environs Land Use Plan (AELUP), adopted by the Airport Land Use Commission, specifies acceptable uses proximate to the airport. These are defined as uses that will not subject people to adverse noise impacts, will not concentrate people in areas with high potential for aircraft accidents, and will not adversely affect navigable airspace or aircraft operations. Due to the small number of off-airport accidents in the history of John Wayne Airport, the ALUC has not found it necessary to designate an accident potential zone.

The AELUP for Heliports establishes regulations and restrictions for the siting of heliports/helipads. The purpose of the AELUP for Heliports is to protect the public from the adverse effects of aircraft noise by ensuring that heliports/helipads are sited in areas of compatible land use.

A heliport is a small airport suitable only for use by helicopters, typically containing one or more helipads. A helipad is a designated area, including any buildings or facilities, intended to be used for the landing and takeoff of helicopters. Helipads may or may not be located within heliports. Refueling and overnight maintenance of helicopters are permitted on heliports but prohibited on helipads.

The City will ensure that each applicant, seeking a Conditional Use Permit or similar approval for the construction or operation of a heliport or helistop, complies fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by the Federal Aviation Administration (FAA), by the Airport Land Use Commission for Orange County (ALUC) and by Caltrans/Division of Aeronautics. This requirement shall be in addition to all other City development requirements.

The City will also ensure that development proposals including the construction or alteration of a structure more than 200 feet above ground level, reference North American Vertical Datum 1988 (NAVD88), must fully comply with procedures provided by Federal and State law, including with the referral requirements of the ALUC, and filing a Notice of Landing Area Proposal (Form 7480-1). This requirement shall be in addition to all other City development requirements.

The City of Costa Mesa is opposed to any expansion of operations at John Wayne Airport due to noise impacts to existing residential uses, as well as air quality, traffic, and economic impacts to potentially displaced businesses.

## **LAND AVAILABILITY**

In 2000, only a small portion of the land (213 acres) within the City and sphere of influence was vacant and ready for development (refer to Exhibit LU-1, *Vacant Land*). The limited amount of vacant land results in an increased demand for redevelopment of existing properties. This trend is not new in Costa Mesa, and the extent of private redevelopment can be expected to increase.

In considering future general plan amendments, attention must be given to potential impacts on existing development and impacts on the character of neighborhoods. Methods to promote the orderly transition of areas to other uses or densities should be developed. Such methods could be in the form of zoning regulations or specific plans. Similar methods may also be applicable to promote the retention of historic structures, rental housing, mature vegetation, and other existing socially or environmentally significant components of a neighborhood.

## **REDEVELOPMENT**

Many factors - physical, economic, and social - contribute to the need for redevelopment. The most obvious indicators are the visual and economic effects of deteriorating properties due to age and/or lack of maintenance, declining property values, high business turnover rates, declining sales activity, or high vacancy rates. Usually, the physical impacts can be mitigated by appropriate repair and rehabilitation, but occasionally, when combined with other economic constraints, complete removal of the structures and redevelopment of the site is the most economically feasible approach.

The City adopted the Redevelopment Plan for the Downtown Redevelopment Project (Project Area No. 1) on December 21, 1973. During the first decade of the Redevelopment Plan, activities centered around public improvements within Lions Park, including construction of a fire station and neighborhood community center. Across from the park, a 75-unit privately owned apartment complex for low- and moderate-income senior citizens was built. Since 1980, street improvements including realignment of 17<sup>th</sup> Street, widening of 19<sup>th</sup> Street, and Harbor Boulevard redesign and construction, have been completed. The Pacific Savings Plaza was completed in 1982, and the retail and office complex known as the Costa Mesa Courtyards was constructed in 1985. Façade improvements for 26 store fronts were completed in 1986. In 1989, a 185,000 square foot multi-level center (Triangle Square) was completed.

The role of the City in redevelopment may take the form of providing incentives or assistance for private redevelopment, providing stimuli to spark private improvement activities, or becoming actively involved in associated public development or redevelopment projects.

## **INCENTIVES**

The primary incentive the City can offer to encourage private redevelopment is flexible land use regulations such as increased density, increased lot coverage and height or relaxed parking standards. Incentives can be used not only to encourage redevelopment of existing properties, but also to influence the type

# ATTACHMENT 3



## AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

July 3, 2008

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

JUL 10 2008

Donald D. Lamm  
Deputy City Manager/Dev. Svcs. Dir.  
City of Costa Mesa  
P. O. Box 1200  
Costa Mesa, CA 92626

Subject: Approved Amendment to the *Airport Environs Land Use Plan (AELUP)* for *Heliports*

Dear Mr. Lamm:

As you may know, the Airport Land Use Commission (ALUC) of Orange County approved the proposed amendments to the *AELUP for Heliports* on June 19, 2008. Enclosed is a copy of the approved amended *AELUP for Heliports* for your reference.

California Government Code Section 65302.3 requires that general plans and applicable specific plans (zoning) be consistent with the *AELUP*, and the law further requires that such local plans be made consistent with the *AELUP* within 180 days of an *AELUP* Amendment. For guidance on achieving consistency with an *AELUP* please refer to pages 5-3 to 5-10 of the Caltrans California Airport Land Use Planning Handbook (January 2002). This document may be found online at:  
<http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/landuse.php>.

To provide additional guidance attached below is suggested language for inclusion in city General Plans to promote Consistency with the *AELUP for Heliports*.

- 1) The city's general plan should specify if Heliports/Helistops are permitted within your jurisdiction.
- 2) If development of Heliports/Helistops is permitted, the general plan should address compliance with the *AELUP for Heliports*. The following language is an example of what could be incorporated into the document:

"The City will ensure that each applicant, seeking a Conditional Use Permit or similar approval for the construction or operation of a heliport or helistop, complies fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by the Federal Aviation Administration (FAA), by the Airport Land Use Commission for Orange County (ALUC) and by Caltrans/Division of Aeronautics. This requirement shall be in addition to all other City development requirements."

D. Lamm  
Page 2  
July 03, 2008

- 3) The general plan should reference building height restrictions imposed by the FAA. The following language is an example of what could be incorporated into the document:

“The City will ensure that development proposals including the construction or alteration of a structure more than 200 feet above ground level, reference North American Vertical Datum 1988 (NAVD88), must fully comply with procedures provided by Federal and State law, with the referral requirements of the ALUC, and with all conditions of approval imposed or recommended by the FAA and ALUC including filing a Notice of Landing Area Proposal (Form 7480-I). This requirement shall be in addition to all other City Development requirements.”

We look forward to working closely with you to ensure consistency of your jurisdiction's land use plans with the *AELUP for Heliports*. As part of our review process, please provide us with a copy of your General Plan and any relevant zoning documents. Should you have additional questions please contact Lea Umnas at 949.252.5123 or via email at [lumnas@ocair.com](mailto:lumnas@ocair.com).

Sincerely,



Kari A. Rigoni  
Executive Officer

Attachment: *AELUP for Heliports* amended June 19, 2008

cc: ALUC for Orange County